

TRAVIS COUNTY FEE GUIDELINES **FOR APPOINTED COUNSEL IN FELONY CRIMINAL CASES**

EFFECTIVE APRIL 8, 2022 FOR SERVICES RENDERED ON OR AFTER THAT DATE

Pursuant to C.C.P. Art. 26.05, the following guidelines shall be used to claim attorney's fees for appointed counsel in criminal cases.

FIXED RATES

These fees are the standard compensation for the following services:

Jail Release Work	\$125
Attorney Released	\$100
Discovery and Dismissal ¹	\$600
Plea and Sentence ¹	\$600
Non-evidentiary Pre-trial (necessary motions)	\$100
Probation Revocation (non-contested)	\$300
Writ Hearings	\$250
Appeals	
- Ander's Briefs, Motions to Revoke or Adjudicate	\$1,000
- 1 st , 2 nd , 3 rd Degree & State Jail Felonies	\$2,000
- Oral Arguments on Appeal	\$200
Uncontested Competency	\$100
Restoration Hearing	\$250

¹ \$100 for each additional case

DAILY RATES

Daily rates are premised on a minimum of six hours spent in court. Half-day rates are premised on hearings less than 4 hours. If less time is spent, the fee will be reduced. The Daily Rate fee includes compensation for preparation time.

Evidentiary Pre-trial	\$500
Evidentiary Pre-trial (less than half-day)	\$250
Non-jury Trial	\$850
Non-jury Trial (less than half-day)	\$500
Jury Trial	\$1,100

HOURLY RATES

The Capital Area Private Defender Service shall implement hourly compensation as authorized by the Texas Indigent Defense Commission Statement of Grant Award as follows:

- Felony A Assignments
 - a. For assignments on or after April 1, 2020, where the highest charge is a 1st degree felony or where punishment includes a range greater than 20 years of incarceration, the hourly rate shall be \$100 (excluding capital cases).

- Felony B Assignments
 - a. For assignments on or after October 1, 2020, where the highest charge is a 2nd degree felony or where punishment includes a range greater than 10 years of incarceration, the hourly rate shall be \$80.
 - b. For assignments on or after October 1, 2021, where the highest charge is a 2nd degree, a 3rd degree felony, or where punishment includes a range greater than 2 years of incarceration, the hourly rate shall be \$85.
 - c. For assignments on or after October 1, 2022, where the highest charge is a 2nd degree, a 3rd degree felony, or where punishment includes a range greater than 2 years of incarceration, the hourly rate shall be \$90.
- Felony C Assignments
 - a. For assignments on or after October 1, 2022, where the highest charge is a state jail felony or where felony punishment includes a range less than 2 years of incarceration, the hourly rate shall be \$85.

For all assignments containing a charge eligible for hourly compensation, the following applies:

- Attorneys shall be eligible for the highest hourly rate authorized based on all charges in an appointment.
- Hourly compensation will include all pending charges regardless of class.
- Attorneys shall be compensated only according to the hourly rate.
- Attorneys must submit all request for payments as directed by CAPDS, in an itemized statement reflecting the date, service performed, and time expended to the 1/10th of an hour.
- CAPDS shall adopt policies and procedures to implement hourly compensation. CAPDS shall determine the reasonableness and necessity of actions undertaken by attorneys.

For cases not subject to the specified hourly rates above, attorneys must have approval of the Court *in capital cases seeking death or approval of the Capital Area Private Defender Service as the Program Administrator for all other cases* in writing at the conclusion of the pretrial hearings if a claim is to be based on an hourly rate. If such approval is not obtained in advance, an hourly rate shall not be paid.

In an unusual case, the considerations set forth in Texas Rules of Professional Conduct Rule 1.04(b) may dictate a fee that is less than or more than the one established by these guidelines. In such event, an hourly rate of \$60 to \$100 may be used for all cases with the exception of capital cases, which will be compensated at no more than \$200 per hour. The exact rate will be dependent upon the complexity of the case and the experience and ability of the appointed counsel. Claims for payment should reflect time expended to the nearest 1/10th of an hour. If an hourly rate is approved, an itemized statement reflecting the date, service performed, and time expended must be submitted with the request for payment form.

EXPENSES

Court appointed counsel will be compensated for all necessary and reasonable expenses approved by the Program Administrator prior to the expense being incurred, excluding capital cases seeking death, which require written approval of the Court for major expenses.

REQUESTS FOR PAYMENTS

Request-for-payment forms shall be submitted at the time the case is disposed of, except for trials.

Requests for payment after trials should be submitted within 30 days of the conclusion of the case. Failure to comply may result in suspension from the court appointment list. Payment for all of a defendant's cases should be requested on one form. Payment for expenses should be requested on a separate form.

COMPENSATION FOR REPRESENTATION AT MAGISTRATION

The Program Administrator shall implement in conjunction with the Travis County Public Defender a pilot of representation by defense counsel at first appearance (magistration) as outlined in an evaluation project and grant awarded by the Texas A&M University Public Policy Research Institute and Arnold Ventures to determine the effectiveness of counsel at first appearances in Travis County approved by the Travis County Commissioners Court. Compensation for assigned counsel will range from \$75 per hour to \$150 per hour based on the day and time of the shift and include additional compensation for shifts occurring on holidays recognized by Travis County. Program manager shall implement a schedule for assigned counsel, a schedule of approved compensation, and review and authorize payment according to the policies and procedures adopted by the Program Administrator.

CAVEAT- Maximum Rate for Exceptional Cases

In exceptional cases involving death capital offenses and special prosecutions, the exact rate will be dependent upon the complexity of the case and the experience and ability of the appointed counsel, to be determined by the trial judge at a rate of no more than \$300 per hour.

Approved and Ordered this 8th day of April, 2022.

DocuSigned by:

Cliff Brown

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Judge Clifford Brown
147th District Court

DocuSigned by:

Dayna Blazey

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Judge Dayna Blazey
167th District Court

DocuSigned by:

Karen Sage

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Judge Karen Sage
299th District Court

DocuSigned by:

Chantal Eldridge

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Judge Chantal Eldridge
331st District Court

DocuSigned by:

Julie Kocurek

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Judge Julie Kocurek
390th District Court

DocuSigned by:

Brenda Kennedy

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Judge Brenda Kennedy
403rd District Court

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Tamara Needles

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Judge Tamara Needles
427th District Court

DocuSigned by:

Brad Urrutia

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Judge Brad Urrutia
450th District Court

DocuSigned by:

Selena Alvarenga

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Judge Selena Alvarenga
460th District Court